UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,153	10/02/2000	Steven J. Sculler	M&R-3.0-033-CIP	3874

530 7590 05/18/2005

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
RHODE JR, ROBERT E	

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/677,153	SCULLER ET AL.10 SEPTEMBER	
	Examiner	Art Unit	
	Rob Rhode	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *45-112* is/are pending in the application.

4a) Of the above claim(s) *45-74* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *75-112* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant amendment of 2-18-05 did not amend any claims nor the specification and the applicant has withdrawn from consideration claims 45 – 74 as well as canceled claims 1 - 44.

Currently, claims 75 – 112 are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

In Claims 104 –110, the claimed invention is directed to non-statutory subject matter. The claim is directed to a process that does nothing more than manipulate an abstract idea. There is no practical application in the technological arts. See In re Musgrave, 167 USPQ 280 (CCPA 1970) and In re Johnston, 183 USPQ 172 (CCPA 1974). For example in claim 104, the invention in the preamble as well as the body of the claim does not recite the use of nor incorporate any technology in carrying out the recited method steps and therefore is not statutory. If the invention in the body of the claim is not tied to the technological arts, environment or machine, the claim is not statutory. See Ex parte Bowman, 61 USPQ2d 1665, 1671 (BD. Pat. App. & Inter. 2001)

[Unpublished] and note MPEP 2106 IV 2(b). While Bowman is not precedential, it has been cited for its analysis.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 75 – 78, 80 – 82, 84 – 90, 93, 94, 96 – 103 and 111 – 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plantz (US 6,088,702) in view of Mellgren (US 6,085,126).

Regarding claim 75 and related claims 96, 102, 103 and 111 (previously presented), Plantz teaches a method of obtaining information about a personalized product to be provided from a provider to an organization, the personalized product displaying information provided by the organization, the method comprising the provider: receiving login information identifying a first user within the organization (Col 5, line 66, Col 6, lines 61 – 62 and Figures 1 and 2); receiving login information identifying the second user within the organization, wherein the login information of the second user is different from the login information of the first user (Col 7, lines 31 – 33).

Although Plantz does disclose that different users within the same organization can change different aspects of information based on each users appropriate login(s), the reference does not specifically disclose and teach receiving instructions over a network

from the first user within the organization, the instructions defining which aspects of the information have values which may be changed by a second user within the organization such that the instructions define at least one aspect which may be changed and at least one aspect which may not be changed; transmitting to the second user over the network the values of aspects and an indication, in accordance with the instructions and based on the second user's login information, distinguishing the aspects which the second user may change from those which the second user may not change and receiving from the second user over the network the value of an aspect which may be changed in accordance with the instructions and which has changed from the transmitted value.

In the same area of different users obtaining and changing information about a personal product, Mellgren teaches a method and system of receiving instructions over a network from the first user within the organization, the instructions defining which aspects of the information have values which may be changed by a second user within the organization such that the instructions define at least one aspect which may be changed and at least one aspect which may not be changed (Abstract and Figures 3, 7 – 20); transmitting to the second user over the network the values of aspects and an indication, in accordance with the instructions and based on the second user's login information, distinguishing the aspects which the second user may change from those which the second user may not change (Abstract, Col 8, lines 20 - 22 and Figures 7 – 20) and receiving from the second user over the network the value of an aspect which

may be changed in accordance with the instructions and which has changed from the transmitted value (Col 7, lines 5 – 24).

Please note instructions are provided by the first user/entity for the second user/entity as indicated at the above reference citations of Mellgren. For example in Figures 8, 9 and 10, the second user/entity is provided overall as well as specific instructions from the first user/entity of which aspects can be changed such as type of stamp or address. Additionally and as noted in the Mellgren reference as well as noted by the applicant that "the invention is not so limited" and that the examples of kiosk are just that – examples and thereby would fairly suggest and teach that Mellgren is not just limited to consumer applications. Moreover, Mellgren further suggest and teaches one of ordinary skill that instructions are transmitted from the first user/entity to the kiosk/computer device via a network, with distinguish aspects that can not be changed by a second user/entity (Col 4, lines 58 – 65 and Figures 5 and 8 -10). In turn, the second user/entity transmits the selected value changes back to the first user/entity of the aspects they can and have changed (Col 4, lines 58 – 65 Figures 7 – 20). Additionally and with regard to instructions, these are defined in Merriam-Webster's; Colligate Dictionary Fifth Edition is "an outline or manual of technical procedure". In that regard and in a reasonable interpretation of the word "instructions", the instructions with respect to the aspects that can be changed by the second user – sent from the first user disclose a "technical procedure" method by the series of instructions provided at each step as the second user proceeds through the screens/figures 8 – 12. In turn, these aspect/value changes by the second user/entity are sent back to the first user/entity.

Furthermore, the applicant's specification does not specifically define the word instructions and therefore the above interpretation of the word "instruction" is reasonable.

With regard to login information, Plantz teaches and the applicant has not argued against - that the users within an organization are limited access to the aspects that they can only change, which is based on their login. Furthermore as taught by previous prior art (iPrint) as well as being old and well known to one of ordinary skill, logging into accounts is required in online method and system, which only permit changing of aspects by users/entities who have access - based on their login authentication. For example, changing the aspects of the individual's selection of changeable aspects of a stamp or changeable aspects such as charge card or PO numbers would not be allowed by anyone who is not authenticated. Rather, it would be based on and allowed only by authentication of their login and upon authentication allowing the user to change only changeable/unlocked aspects. Also, please note that Plantz defines the method and means as occurring *within* an organization requiring separate user login(s). Accordingly, Mellgren discloses the method as well as the means *within* the organization required to provide instructions from a first user/entity to a second user/entity with regard to aspects/values that can and cannot be changed as well as the second user/entity transmitting these permitted aspect changes back. Of note, the applicant's specification gives several examples of users but never defines a first user or second user as well as organization other than that company A (first entity) sells products to Company B (second entity) and thereby labels this stored data as an

"organization" (Page 43, lines 9 - 11). In this manner and Mellgren would fairly suggest and teach one of ordinary skill that, A (first user/entity) is selling products to B (second user/entity) and these would be stored under a labeling appropriate for this stored data in the specific account for this and other transactions *only* associated with this account/business relationship. For example, the information is stored and labeled under an appropriate area such as organization/customer in order to ensure correct item delivery as well as billing. Otherwise, there would be chaos and the method and system provider would be rapidly out of business.

It would have been obvious to one of ordinary skill in the art a the time of the invention to have provided the method and system of Plantz with the method and system of Mellgren to have enabled of obtaining information about a personalized product to be provided from a provider to an organization, the personalized product displaying information provided by the organization, the method comprising the provider: receiving login information identifying a first user within the organization; receiving instructions over a network from a first user within the organization, the instructions defining which aspects of the information have values which may be changed by a second user within the organization such that the instructions define at least one aspect which may be changed and at least one aspect which may not be changed; receiving login information identifying the second user within the organization, wherein the login information of the second user is different from the login information of the first user; transmitting to the second user over the network the values of aspects and an indication, in accordance

with the instructions and based on the second user's login information, distinguishing the aspects which the second user may change from those which the second user may not change; and receiving from the second user over the network the value of an aspect which may be changed in accordance with the instructions and which has changed from the transmitted value – in order to provide access limitations to information based on a user's profile as well as assigned login and password. Plantz discloses a method and system of obtaining information about a personalized product to be provided from a provider to an organization, the personalized product displaying information provided by the organization, the method comprising the provider: receiving login information identifying a first user within the organization; receiving login information identifying the second user within the organization, wherein the login information of the second user is different from the login information of the first user (Col 5, line 66, Col 6, lines 61 – 62 and Figures 1 and 2). Mellgren discloses a method and system of receiving instructions over a network from the first user within the organization, the instructions defining which aspects of the information have values which may be changed by a second user within the organization such that the instructions define at least one aspect which may be changed and at least one aspect which may not be changed; transmitting to the second user over the network the values of aspects and an indication, in accordance with the instructions and based on the second user's login information, distinguishing the aspects which the second user may change from those which the second user may not change and receiving from the second user over the network the value of an aspect which may be changed in accordance with the instructions and which has changed from

the transmitted value (Abstract, Col 7, lines 5 – 24 and Figures 7 - 12). Therefore, one of ordinary skill in the art would have been motivated to extend the method and system of Plantz with a method and system for receiving instructions over a network from the first user within the organization, the instructions defining which aspects of the information have values which may be changed by a second user within the organization such that the instructions define at least one aspect which may be changed and at least one aspect which may not be changed; transmitting to the second user over the network the values of aspects and an indication, in accordance with the instructions and based on the second user's login information, distinguishing the aspects which the second user may change from those which the second user may not change and receiving from the second user over the network the value of an aspect which may be changed in accordance with the instructions and which has changed from the transmitted value. In this manner, the access to information will be limited to appropriate individuals, which will ensure trust as well as assuring that an unauthorized individual cannot change the information as well as insuring only authorized users are allowed to make changes. Thereby, the method and system will ensure trust as well as ensure that proper procedures are followed through these profile-designated privileges assigned by a method and system administrator.

Regarding claim 76 (PREVIOUSLY PRESENTED), Mellgren teaches a method wherein the step of transmitting includes sending the list in a web page to the second user (see at least Figures 3 and 7 – 20).

Regarding claim 77 (PREVIOUSLY PRESENTED), Mellgren teaches a method wherein the information to be displayed comprises graphics or text to be personalized on the product (see at least Figures 7 – 20).

Regarding claim 78 (PREVIOUSLY PRESENTED), Mellgren teaches a method wherein the product is a stamp (Col 3, line 45).

Regarding claim 80 (PREVIOUSLY PRESENTED), Mellgren teaches a method wherein the `aspect includes the content of the information (see at least Figures 7 – 20).

Regarding claim 81 (PREVIOUSLY PRESENTED), Mellgren teaches a method wherein the aspect includes how the information should be formatted (see at least Col 5, line 33) and (82) wherein the formatting relates to one of more of the font, font size, font style, position or alignment of the information (Col 5, line 35).

Regarding claim 84 (PREVIOUSLY PRESENTED), Mellgren teaches a method wherein the information constitutes a picture chosen by a user (see at least Col 4, lines 23 – 25 and Figures 2, 6 – 8 and 24).

Regarding claim 85 (PREVIOUSLY PRESENTED), Mellgren teaches a method further including at least one of the users modifying the instructions so as to modify whether an

aspect may be changed or not (Col 5, lines 1 – 14 and Figures 7 – 10) and (claim 86) further comprising the first user modifying the instructions so as to modify whether an aspect may be changed or not (see at least Col 5, lines 1 – 49 and Figures 7 – 20) as well as (claim 87) further comprising the second user modifying the instructions so as to modify whether an aspect may be changed or not (see at least Col 5, lines 1 – 49 and Figures 7 – 20).

Regarding claim 88 (PREVIOUSLY PRESENTED), Mellgren teaches a method wherein the step of modifying the instructions comprises sending a web page to the at least one user listing the aspect to be changed and allowing the user to click a control to change the instructions associated with the aspect (see at least Figures 7 – 20) and (claim 89) wherein the control is a checkbox (see at least Figures 7 – 9).

Regarding claim 90 (PREVIOUSLY PRESENTED), Mellgren teaches a method wherein the indication is the appearance of the area for accepting user input of the value (see at least Figure 12).

Regarding claim 93 (PREVIOUSLY PRESENTED), Mellgren teaches a method wherein the first user and the second user are different people (See at least Figure 1).

Regarding claim 97 (PREVIOUSLY PRESENTED), Mellgren teaches a method further comprising, after the step of receiving, sending a web page to the client describing the

first aspect and, if the first aspect is locked then the web page displays the value of the aspect and, if the aspect is unlocked, then the web page indicates that the value of the aspect may be changed (see at least Figures 1, 2 and 7 – 20).

Regarding claim 98 (PREVIOUSLY PRESENTED), Mellgren teaches a method wherein at least one of the aspects relates to the content of personalization information to be affixed to a stamp and the value of the at least one aspect relates to the content (see at least Figures 7 – 14) and (claim 99) a method wherein the content identifies an entity (see at least Figure 13).

Regarding claim 100 (PREVIOUSLY PRESENTED), Mellgren teaches a method wherein the aspect relates to the formatting of personalization information to be affixed to a stamp (see at least Figures 13 – 15).

Regarding claim 101 (PREVIOUSLY PRESENTED), Mellgren teaches a method wherein, if the aspect is unlocked, then the web page also displays the value of the aspect (see at least Figures 1 and 7 – 10).

Regarding claim 112 (PREVIOUSLY PRESENTED), Mellgren teaches a method wherein the sent data includes information relating to where the aspects are displayed on the product (see at least Figure 24).

Claims 79, 83, 91, 92 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Plantz and Mellgren, as applied to claim 75 above, and further in view of Farros (US 5,930,810).

The combination of Plantz and Mellgren substantially teaches the applicant's invention as disclosed.

However, the combination does not specifically disclose and teach a method wherein the product is an advertising specialty and a method wherein the information constitutes a logo as well as a method wherein a three dimensional textbox indicates that the aspect may be changed. Nor does the combination specifically disclose and teach, a method wherein the first user and the second user are the same person or a method further comprising displaying the personalized information simultaneously with the aspect values to the second user.

On the other hand and regarding claim 79 (PREVIOUSLY PRESENTED), Farros teaches a method wherein the product is an advertising specialty (Col 2, lines 32 – 33).

Regarding claim 83 (PREVIOUSLY PRESENTED), Farros teaches a method wherein the information constitutes a logo (Col 2, lines 32 – 33).

Regarding claim 91 (PREVIOUSLY PRESENTED), Farros teaches a method wherein a three dimensional textbox indicates that the aspect may be changed (Col 2, lines 40 – 41).

Regarding claim 92 (PREVIOUSLY PRESENTED), Farros teaches a method wherein the first user and the second user are the same person (see at least Abstract).

Regarding claim 95 (PREVIOUSLY PRESENTED), Farros teaches a method further comprising displaying the personalized information simultaneously with the aspect values to the second user (Col 2, lines 55 – 65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Plantz and Mellgren with the method and system of Farros to have enabled a method wherein the product is an advertising specialty and a method wherein the information constitutes a logo as well as a method wherein a three dimensional textbox indicates that the aspect may be changed as well as a method wherein the first user and the second user are the same person and too a method further comprising displaying the personalized information simultaneously with the aspect values to the second user - in order to have enabled a method which permits a user to modify a printed product by incorporating various personalization features. The combination of Plantz and Mellgren disclose a method of obtaining information about a personalized product to be provided from a provider to an organization, the

personalized product displaying information provided by the organization, the method comprising the provider: receiving login information identifying a first user within the organization; receiving instructions over a network from the first user within the organization, the instructions defining which 'aspects of the information have values which may be changed by a second user within the organization such that the instructions define at least one aspect which may be changed and at least one aspect which may not be changed; receiving login information identifying the second user within the organization, wherein the login information of the second user is different from the login information of the first user; transmitting to the second user over the network the values of aspects and an indication, in accordance with the instructions and based on the second user's login information, distinguishing the aspects which the second user may change from those which the second user may not change; and receiving from the second user over the network the value of an aspect which may be changed in accordance with the instructions and which has changed from the transmitted value. Farros discloses a method and system wherein the product is an advertising specialty and a method wherein the information constitutes a logo as well as a method wherein a three dimensional textbox indicates that the aspect may be changed and wherein the first user and the second user are the same person or a method further comprising displaying the personalized information simultaneously with the aspect values to the second user (Abstract, Col 2, lines 30 – 62). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of Plantz and Mellgren with a method and system for wherein the product is an advertising specialty and a method

wherein the information constitutes a logo as well as a method wherein a three dimensional textbox indicates that the aspect may be changed and wherein the first user and the second user are the same person or a method further comprising displaying the personalized information simultaneously with the aspect values to the second user. In this regard, the user has various approaches to personalizing a product – which will increase their satisfaction as well as increase the probability that they will continue to use for future needs.

Claims 104 – 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mellgren (US 6,085,126) in view of Plantz (US 6,088,702).

Regarding claim 104 (PREVIOUSLY PRESENTED), Mellgren teaches a method of receiving personalized information to be displayed on a product, the personalization information having aspects, the aspects having values, the method comprising: receiving locking instructions from a first user, whereby if the instructions identify an aspect as being locked, then the value cannot be changed until the aspect is unlocked (see at least Figures 7 – 20); sending values of aspects to a second user and indicating whether the aspect is locked, at least one of the aspects being locked (see at least Col 4, lines 58 - 65 and Figures 1, 2, 5 and 7 – 20).

However, Mellgren does not specifically disclose and teach receiving an instruction from a second user to unlock a locked aspect; resending the value of the prior locked aspect

to the second user with an indication that the value may now be changed; and receiving the value of the prior locked aspect.

On the other hand, Plantz does disclose and teach a method of receiving an instruction from a second user to unlock a locked aspect (see at least Abstract and Col 2, lines 42 - 44); resending the value of the prior locked aspect to the second user with an indication that the value may now be changed (see at least Col 2, lines 36 - 44); and receiving the value of the prior locked aspect (Col 2, lines 42 - 44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Mellgren with the method of Plantz to have enabled a method of receiving personalized information to be displayed on a product, the personalization information having aspects, the aspects having values, the method comprising: receiving locking instructions from a first user, whereby if the instructions identify an aspect as being locked, then the value cannot be changed until the aspect is unlocked; sending values of aspects to a second user and indicating whether the aspect is locked, at least one of the aspects being locked and receiving an instruction from a second user to unlock a locked aspect; resending the value of the prior locked aspect to the second user with an indication that the value may now be changed; and receiving the value of the prior locked aspect – in order to have provided the capabilities to control the areas within a personalized product which can be changed. Mellgren discloses a method of receiving personalized information to be displayed on a product, the

personalization information having aspects, the aspects having values, the method comprising: receiving locking instructions from a first user, whereby if the instructions identify an aspect as being locked, then the value cannot be changed until the aspect is unlocked; sending values of aspects to a second user and indicating whether the aspect is locked, at least one of the aspects being locked (see at least Figures 1, 2, 5 and 7 – 20). Plantz discloses a method of receiving an instruction from a second user to unlock a locked aspect; resending the value of the prior locked aspect to the second user with an indication that the value may now be changed; and receiving the value of the prior locked aspect (Col 2, lines 36 - 44). Therefore, one of ordinary skill in the art would have been motivated to extend the method of Mellgren with a method for receiving an instruction from a second user to unlock a locked aspect; resending the value of the prior locked aspect to the second user with an indication that the value may now be changed; and receiving the value of the prior locked aspect. In this regard, the organization can control the areas within the product, which can be personalized, and by whom as well as providing the security and access control/monitoring to designated areas to assure that the information meets a users requirements. Moreover, the method and system provide the capability of control over suppliers to ensure that the requirements are fulfilled as well as ensuring that users and suppliers have access to only the areas needed. In this manner, the organization will benefit by reducing cost through direct connecting of suppliers with customers – without losing control by the parent organization.

Regarding claim 105 (PREVIOUSLY PRESENTED), Mellgren teaches a method further comprising indicating which values are unlocked during the step of sending the values (Figures 7 - 10).

Regarding claim 106 (PREVIOUSLY PRESENTED), Plantz teaches a method of receiving an instruction from a second user to unlock a locked aspect; resending the value of the prior locked aspect to the second user with an indication that the value may now be changed; and receiving the value of the prior locked aspect (see at least Col 2, lines 36 - 44).

Regarding calim107 (PREVIOUSLY PRESENTED), Plantz teaches a method wherein the step of sending further includes placing the value in a user modifiable textbox to indicate that the value's associated aspect is unlocked (Figure 3).

Regarding claim 108 (PREVIOUSLY PRESENTED), Plantz teaches a method further including enabling one of the users to unlock an aspect and disabling the other user from unlocking the same aspect (Abstract and Col 2, lines 42 - 44).

Regarding claim 109 (PREVIOUSLY PRESENTED), Plantz teaches a method further including receiving a login or password from the user (Figure 1).

Regarding claim 110 (PREVIOUSLY PRESENTED), Plantz teaches a method further including determining whether a user is enabled or disabled from unlocking an aspect based on the user's login or password (Figure 1).

Response to Arguments

Applicant's arguments filed 2-18-05 have been fully considered but they are not persuasive.

Applicant argues the 35 USC 101 rejections are both late and not valid.

Applicant's arguments are persuasive regarding claims 96-103 and 111-112. However, the applicant had no arguments of merit other than allegations regarding claims 104 -110 and thereby the 35 USC 101 rejections is maintained with respect to claims 104 - 110.

Applicant argues that Mellgren does not disclose a first user or a second user or login.

Please see above rejection.

Applicant argues that the Examiner used hindsight.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon

hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **571.2727159**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-7418 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

RER

Jeffrey A. Smith
Primary Examiner